



Department of Pesticide Regulation



Paul E. Helliker
Director

Gray Davis
Governor
Winston H. Hickox
Secretary, California
Environmental
Protection Agency

April 16, 2002

TO: Interested Parties

SUBJECT: METHYL BROMIDE

On April 8, 2002, San Francisco Superior Court Judge James Robertson rendered a decision on two consolidated lawsuits filed against the Department of Pesticide Regulation (DPR) regarding DPR's methyl bromide regulations. These regulations have been in effect since January 2001 (with subsequent amendments).

In 2001, the Ventura County Agricultural Association filed suit arguing that DPR did not consult adequately with the California Department of Food and Agriculture during the rulemaking process on the impacts of the regulations, as required by law. (A separate suit by the Environmental Defense Center and California Rural Legal Assistance also challenged the methyl bromide rules on a variety of issues. The suits were later joined. In his order, the judge declined to rule on the claims of the Environmental Defense Center/California Rural Legal Assistance suit "on the grounds that they are moot.")

In his order, the judge voided the regulations. However, he also issued a 45-day stay to allow the Department to "consider implementing replacement regulations, in such a form as DPR deems appropriate."

In response to the judge's order, I issued the following statement:

"We disagree with the judge's ruling that we failed to consult adequately with the California Department of Food and Agriculture before finalizing our methyl bromide regulations. However, in the interest of expediency and closing out this matter, we will not appeal the ruling.

Before the 45-day stay expires, we will put into place emergency regulations that are the same as those now in effect. This will ensure continued protection of the health of workers and the public that we all agree is indispensable to continued use of methyl bromide.

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At the same time, we will begin anew the process of getting permanent regulations back on the books. Before we notice the proposed permanent regulations for public comment, we will formalize our consultation with the California Department of Food and Agriculture. The formal rulemaking process will also provide an opportunity for all interested parties to comment on the regulations. We have adjusted our rules in the past to respond to problems identified by stakeholders. Additional comments will provide us a unique opportunity to fine-tune a regulatory plan that has been in effect for more than year.”

If you have any questions, please feel free to contact Mr. Paul H. Gosselin, DPR’s Chief Deputy Director, at (916) 445-4330.

Sincerely,

ORIGINAL SIGNED BY

Paul E. Helliker
Director
(916) 445-4000

cc: Mr. Paul H. Gosselin